

**Chesapeake Bay Local Assistance Board
Monday, June 19, 2006, 10:00 a.m.
Heritage Center
Pocahontas State Park
10301 State Park Road
Chesterfield, Virginia 23832**

Chesapeake Bay Local Assistance Board Members Present

Donald W. Davis, Chairman
Amanda Macaulay
Walter J. Sheffield, Vice Chairman

David C. Froggatt, Jr.
Gale Abbott Roberts

Chesapeake Bay Local Assistance Board Members Not Present

William E. Duncanson
Beverly D. Harper

Gregory C. Evans
Michael V. Rodriguez

Staff Present

Joseph H. Maroon, Director
Russell W. Baxter, Deputy Director
David C. Dowling, Policy Planning and Budget Director
Joan Salvati, Division Director, Chesapeake Bay Local Assistance
Shawn E. Smith, Principal Environmental Planner
Heather C.A. Mackey, Principal Environmental Planner
V'lent Lassiter, Senior Environmental Planner
Robert Suydam, Senior Environmental Planner
Michael R. Fletcher, Director of Development
Roger Chaffe, Office of the Attorney General

Local Officials Present

Chesterfield County

Weedon Cloe
Scott Flanigan

City of Petersburg

Michael Briddell
Leonard Muse

Town of Smithfield

Joseph Carter
Bill Hopkins

Stafford County

Amber Forester
Mike Zuraf

Call to Order – Roll Call

Chairman Davis called the meeting to order and asked for the calling of the roll. A quorum was declared present.

Consideration of the Minutes

MOTION: Mr. Froggatt moved that the minutes of the April 3, 2006 meeting of the Chesapeake Bay Local Assistance Board be approved as submitted.

SECOND: Ms. Macaulay

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Maroon welcomed members to Pocahontas State Park. He noted that Governor Kaine had been at the park the preceding Saturday to celebrate the 70th Anniversary of Virginia State Parks. In 1936, Virginia was the first state in the union to open an entire system of state parks on the same day. Built by the Civilian Conservation Corps, Pocahontas is the largest park in the state park system.

Mr. Maroon read a June 7, 2006 editorial from the *Richmond Times-Dispatch* entitled "The Dead Zone." The editorial referred to the Chesapeake Bay and noted that while there has been significant progress, more needs to be done with regard to restoring the Bay.

Mr. Maroon complimented Ms. Salvati and staff with regard to the Clarify workshop held on June 8, 2006 at the Lewis Ginter Botanical Gardens in Richmond. Upcoming workshops are:

Low Impact Development (LID)
September 12, 2006
Lewis Ginter Botanical Gardens, Richmond

Riparian Buffers

September 19, 2006

Virginia Institute of Marine Science (VIMS), Gloucester

Mr. Maroon met with Delegate Rob Wittman regarding working together to develop web-based initiatives that would promote water quality, including the Bay Act.

Mr. Maroon said that Secretary Bryant has scheduled a meeting for July 21 to begin discussions regarding the development of a plan as called for in HB1150. The chairs of each DCR Board, along with other stakeholders, will be invited to participate.

Mr. Maroon said the CBLAB Policy Committee met on May 22. Staff presented several policy issues. Based on the feedback, staff will be finalizing answers and presenting an update at the September meeting.

Mr. Maroon noted that the Department is working to fill several vacancies within the Division of Chesapeake Bay Local Assistance.

Mr. Maroon said that Governor Kaine had recently announced his goal to protect an additional 400,000 acres of land by the end of the decade. The Governor announced this at VMI in April. Mr. Maroon said the Governor wants to go beyond Virginia's commitment to the Bay Agreement.

Mr. Maroon said that Governor Kaine will host a Natural Resources Summit at Hungry Mother State Park the third week in September.

Mr. Davis welcomed Roger Chaffe and Ryan Brown from the Office of the Attorney General.

Local Program Ordinance Reviews

Town of Smithfield – Review of previous conditions

Ms. Smith gave the report for the Town of Smithfield. She recognized Joseph Carter and Bill Hopkins.

The Town revised its Bay ordinance in April 2004, and the Board reviewed it at its September 20, 2004 meeting. The Board found the Town's ordinance consistent with eight conditions; one of which was to be addressed by March 31, 2005 and the remaining 7 by December 31, 2005. The eight conditions related to BMPs in the RPA, definitions, maintenance and design of BMPs, applying erosion and sediment control for disturbances exceeding 2,500 square feet and designation of a local board to consider formal exception requests. The Town amended its Bay ordinance on December 6, 2005 to address all eight conditions. Based on review of the amended ordinance, staff

recommends that the Town's Bay ordinance be found consistent with the Act and Regulations.

MOTION: Ms. Roberts moved that the Chesapeake Bay Local Assistance Board finds the Town of Smithfield's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

SECOND: Ms. Macaulay

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

LOCAL PROGRAM, PHASE I

TOWN OF SMITHFIELD - #12

Determination of Consistency– Consistent

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the Town of Smithfield adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on April 6, 2004; and

WHEREAS on September 20, 2004 the Chesapeake Bay Local Assistance Board found the Town of Smithfield's Phase I program consistent with 8 recommendations for consistency that were to be addressed by the Town and set a compliance date of December 31, 2005; and

WHEREAS the Town Council for the Town of Smithfield adopted amendments to the Phase I program on December 6, 2005; and

WHEREAS staff has reviewed Town of Smithfield's revised Phase I program for consistency with the previous consistency recommendations and the Act and Regulations; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the Town of Smithfield's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that the Chesapeake Bay Local Assistance Board adopted this resolution in open session on June 19, 2006.

Joseph H. Maroon
Director
Department of Conservation and Recreation

City of Alexandria– Review of previous conditions

Ms. Mackey gave the report for the City of Alexandria. There was no one present from the City of Alexandria.

On December 13, 2004 the Board found the City of Alexandria's Environmental Management Ordinance consistent subject to one recommendation with a deadline of December 31, 2005. The City Council amended the ordinance to comply with the recommendation on February 25, 2006. The final language was adopted on April 11, 2006. The staff recommends that with the amendment adopted by the Alexandria City Council on April 11, 2006 that the City's ordinance be found consistent with the requirements of the Act and Regulations.

MOTION: Mr. Sheffield moved that the Chesapeake Bay Local Assistance Board finds the City of Alexandria's revised Phase I program consistent with §10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

SECOND: Mr. Froggatt

DISCUSSION: None

VOTE: Motion carried unanimously.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

LOCAL PROGRAM, PHASE I

CITY OF ALEXANDRIA - #59

Modification – Consistent

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1(a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the City of Alexandria adopted a revised local program to comply with §§ 9 VAC 10-20-60 1 and 2 of the Regulations on June 12, 2004; and

WHEREAS on December 13, 2004 the Chesapeake Bay Local Assistance Board found the City of Alexandria's amended Phase I program consistent subject to the conditions that the City undertake and complete the one (1) recommendation contained in the staff report no later than December 31, 2005, and

WHEREAS the City of Alexandria adopted revisions to its local program on April 11, 2006 to address the Chesapeake Bay Local Assistance Boards recommendation; and

WHEREAS staff reviewed the amendments made to City of Alexandria's revised program for consistency with the Act and Regulations; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the City of Alexandria's revised Phase I program to be consistent with §10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that the Chesapeake Bay Local Assistance Board adopted this resolution in open session on June 19, 2006.

Joseph H. Maroon

Director, Department of Conservation and Recreation

Town of Port Royal– Review of previous conditions

Ms. Smith gave the report for the Town of Port Royal. There was no one present from the Town of Port Royal.

The Town revised its Bay ordinance in May 2004, and the Board reviewed it at its September 20, 2004 meeting. The Board found the Town's ordinance consistent with 2 conditions; one to clarify that review of administrative waivers must consider the same findings as the formal exception requests, and the other to clarify when a formal exception is necessary. The Town adopted revisions to address these two conditions on March 21, 2006. Based on review of the amended ordinance, staff recommends that the Town's Bay ordinance be found consistent with the Act and Regulations.

MOTION: Ms. Macaulay moved that the Chesapeake Bay Local Assistance Board finds the Town of Port Royal's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

SECOND: Ms. Roberts

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

*LOCAL PROGRAM, PHASE I
TOWN OF PORT ROYAL - #82*

Determination of Consistency– Consistent

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1 (a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS the Town of Port Royal adopted an amended Phase I local program to comply with §§ 9 VAC 10-20-60 1 and 2 on May 18, 2004; and

WHEREAS on September 20, 2004 the Chesapeake Bay Local Assistance Board found the Town of Port Royal's Phase I program consistent with two recommendations for consistency that were to be addressed by the Town and set a compliance date of September 30, 2005; and

WHEREAS the Town Council for the Town of Port Royal adopted amendments to the Phase I program on March 21, 2006; and

WHEREAS staff has reviewed Town of Port Royal's revised Phase I program for consistency with the previous consistency recommendations and the Act and Regulations; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the Town of Port Royal's Phase I program consistent with § 10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that the Chesapeake Bay Local Assistance Board adopted this resolution in open session on June 19, 2006.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Local Program Comprehensive Plan Reviews

Town of Parksley – Review of previous conditions

Ms. Smith gave the report for the Town of Parksley. There was no one present from the Town of Parksley.

The Board reviewed the Town's comprehensive plan on June 21, 1999 and found the plan to be consistent with 2 conditions that were to be addressed by April 30, 2004. The 2 conditions related to physical constraints to development, specifically to soil suitability for onsite septic systems in the Town and to a more thorough analysis of the potential water pollution issues in the Town. In the interim between 1999 and now, funding for the Regional Planner position that had been assisting the Towns on the Eastern Shore was cut

and without assistance, the Town did not move forward to develop revisions to its plan. Department staff began working with the Town in late 2005 and was able to assist the Town in developing the necessary revisions. On April 3, 2006, the Town adopted revisions to address these two conditions. Based on review of the amended plan, staff recommends that the Town's comprehensive plan be found consistent with the Act and Regulations.

MOTION: Mr. Froggatt moved that the Chesapeake Bay Local Assistance Board finds the Town of Parksley's Phase II (comprehensive plan) consistent with § 10.1-2109 of the Act and § 9 VAC 10-20-60 3 of the Regulations.

SECOND: Ms. Roberts

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

LOCAL PROGRAM - PHASE II

TOWN OF PARKSLEY - # 67

Determination of Consistency - Consistent

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the element in subsection 3 shall be adopted by local governments; and

WHEREAS § 10.1-2103 10 of the Chesapeake Bay Preservation Act authorizes the Board to take administrative and legal actions to ensure compliance by counties, cities, and towns with the provisions of the Act; and

WHEREAS the Town of Parksley adopted a Comprehensive Plan in 1999; and

WHEREAS on June 21, 1999 the Chesapeake Bay Local Assistance Board found the Town of Parksley's plan consistent with two recommendations for consistency that were to be addressed by the Town and set a compliance date of April 30, 2004; and

WHEREAS the Town Council for the Town of Parksley adopted revisions to its comprehensive plan on April 10, 2006; and

WHEREAS staff has reviewed Town of Parksley's comprehensive plan for consistency with the previous consistency recommendations and the Act and Regulations; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the Town of Parksley's comprehensive plan consistent with § 10.1-2109 of the Act and § 9 VAC 10-20-60 3 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that the Chesapeake Bay Local Assistance Board adopted this resolution in open session on June 19, 2006.

Joseph H. Maroon
Director, Department of Conservation & Recreation

Local Program Compliance Evaluations

Northampton County – Review of previous conditions

Ms. Smith gave the report for Northampton County. There was no one present from the County.

Northampton County underwent a compliance evaluation in 2005, with Board review occurring at the March 21, 2005 meeting that resulted in a compliance deadline of March 31, 2006 to address 6 conditions. It is staff's opinion that the County has addressed all 6 of the conditions. They require WQIAs for all land disturbances in the RPA, including shoreline erosion control structures, approved administrative waivers and formal exceptions; they track BMPs; they are actively notifying septic tank owners of the pump-out requirement and tracking the results; they have developed and are using forms and reports for RPA exception requests; they require that the limits of the RPA are flagged onsite during construction and they require stormwater management BMPs to be designed and installed in accordance with the Virginia Stormwater Management Handbook.

The County has long been a willing partner in implementing the Bay Act at a local level and should be commended for their continued support and cooperation. Based on review

of the actions taken by the County to address the compliance conditions, staff recommends that the County's implementation of its Bay Act program be found compliant.

MOTION: Ms. Macaulay moved that the Chesapeake Bay Local Assistance Board find the implementation of the Northampton County's Phase I program complies with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Sheffield

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
June 19, 2006

RESOLUTION

LOCAL PROGRAM COMPLIANCE EVALUATION
NORTHAMPTON COUNTY - #21

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on March 21, 2005, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Northampton County's Phase I program did not fully comply with the Act and Regulations and further that the County address the 6 recommendations in the staff report no later than March 31, 2006; and

WHEREAS in October 2005 and April 2006, the County provided staff with information relating to the County's actions to address the 6 recommendations which was evaluated in a staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Northampton County's Phase I program to comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on June 19, 2006 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Stafford County – Review of previous conditions

Ms. Smith gave the report for Stafford County. She recognized Amber Forester and Mike Zuraf with the County.

Stafford County underwent a compliance evaluation in 2003, with Board review occurring at the December 8, 2003 meeting that resulted in a compliance deadline of December 31, 2004 to address 3 conditions. In early 2005, the county provided documentation on how the County had addressed the 3 compliance conditions: they require RPAs to be field delineated prior to approval of preliminary plans and will not approve any construction, grading, or site plans until all other state and federal permits are approved; they had developed a tracking mechanism for BMPs that they use to track the location and maintenance of stormwater BMPs; and they track and record roads/drives and SWM facilities through files for the required WQIAs, and further, they input this information into a database. However, also in early 2005 staff received a number of citizen complaints relating to the County's vesting policy, its Generalized Development Plan policy and ongoing development proposals. In order to ensure that the County was implementing its program consistent with its Bay ordinance and the Regulations, Department staff delayed final review of the compliance conditions. After gathering and evaluating additional information and meeting with the County in March 2006, staff is satisfied that the County is implementing its Bay program consistent with the Regulations and its Bay ordinance and staff recommends that the County's implementation of its Bay Act program be found compliant.

Mr. Sheffield asked if on the tracking issue the County planning office maintained a list of requirements for development.

Mr. Zuraf said the county maintains a copy of the stormwater maintenance agreement and that copies are available.

Mr. Zuraf said the County has been working to come into compliance with the Bay Act program. He noted that staffing was an issue. He said that County was currently working on the ordinance to establish a 35-foot buffer from the RPAs. He noted that in many cases the landowner is not aware of this requirement.

Mr. Sheffield asked about the issue of septic pumpout in Stafford.

Mr. Zuraf said that the County was divided into five areas for the purposes of notification and tracking. He said the issue is enforcement.

Mr. Sheffield asked if any cases have gone to court.

Ms. Smith said that she did not believe anyone has gone to court over this requirement. She said that staff is trying to work with an ongoing notification.

Mr. Sheffield noted that often money is a concern.

Ms. Salvati said that one of the Bay Implementation grants was for septic pumpouts for low and moderate-income households in the Northern Neck. Also a grant was awarded for septic retrofit in Caroline County.

MOTION: Ms. Macaulay moved that the Chesapeake Bay Local Assistance Board find that Stafford County has addressed the previously noted implementation deficiencies and is in compliance with §§10.1-2109 and 2111 of the Act and §§9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Sheffield

DISCUSSION: None

VOTE: Motion carries unanimously

Mr. Maroon noted that Stafford County works with DCR on a number of programs including the development of a new state park, dam safety and stormwater management. He said the activity is an indication of the growth rate in the County.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

LOCAL PROGRAM COMPLIANCE EVALUATION STAFFORD COUNTY - #48

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS §9VAC 10-20-250.1.b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on December 8, 2003, the Chesapeake Bay Local Assistance Board found that certain aspects of Stafford County's Phase I program did not fully comply with the Act and Regulations and further that the County address the three recommendations in the staff report no later than December 31, 2004; and

WHEREAS in January of 2005 and March of 2006, the County provided staff with information relating to the County's actions to address the three recommendations and staff prepared a staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that Stafford County has addressed the previously noted implementation deficiencies and is in compliance with §§10.1-2109 and 2111 of the Act and §§9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on June 19, 2006 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Town of Vienna – Review of previous conditions

Ms. Mackey gave the report for the Town of Vienna. There was no one present from the Town of Vienna.

On June 20, 2005 the Board conducted a compliance evaluation of the Town of Vienna and found that the Town's program was not fully compliant with two recommendations:

First that the Town require buffer mitigation and establishment that focuses on revegetation or vegetative plantings for all buffer encroachments or modifications; and secondly, that the Town formalize and document the WQIA submission process for any proposed land disturbance, development or redevelopment in the RPA.

In response to these conditions the Town has inserted language into its Bay Program info packet, the Development Guide, and the WQIA applications. A checklist for use by Town staff as plans make their way through the development process has been developed. The checklist indicates the preference for vegetative mitigation and references the use of the Buffer Manual when designing required mitigation. The Town has also "localized" the WQIA templates provided by Dept. staff to include local ordinance references as well as Regulatory citations. A column for WQIA information has been added to the digital Bay Program database, and a notation has been added to the Building Setback Summary given to property owners interested in applying for permits that alerts the owner of CBP ordinance requirements and the potential need for a WQIA.

Staff finds that these changes and additions to Town processes and review procedures have adequately addressed the two conditions and recommends that the Board find the Town of Vienna's implementation of its Phase I program be found consistent with the Act and Regulations.

MOTION: Ms. Roberts moved that the Chesapeake Bay Local Assistance Board find the implementation of the Town of Vienna's Phase I program to comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Ms. Macaulay

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 19, 2006

RESOLUTION

*LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF VIENNA - #52*

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on June 20, 2005, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Town of Vienna's Phase I program did not fully comply with the Act and Regulations and further that the Town address the two (2) recommendations in the staff report no later than June 30, 2006; and

WHEREAS in April 2006, the staff reviewed and evaluated the information provided by the Town relating to the Town's actions to address the two recommendations; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Vienna's Phase I program to comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on June 19, 2006 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Ms. Salvati said that the staff has been through a total of 21 initial compliance evaluations. She said the three main issues of noncompliance were:

1. septic pumpout

2. BMP inspection, maintenance and tracking
3. water quality impact assessments.

New Business

Petersburg Comprehensive Review.

Mr. Suydam gave an update with regard to the Petersburg Comprehensive Review. He welcomed Mr. Leonard Muse, Director of Public Works for the City. He provided a copy of a memorandum from the City and a response letter from the Department. Copies are available from DCR.

Mr. Muse said the City continues to address the issues of concern. He noted that at a Council meeting the following day, staff would present the four recommendations of the Board and the supporting information.

Mr. Suydam said the staff recommendation was to ask the City for updates as the process continues.

Mr. Davis asked for an update to be provided at the September meeting.

Ms. Salvati gave an update with regard to the City of Hampton. She said that staff had communicated Board concerns to the City. At this point, because of the City appeal, the Board can take no further action.

Public Comment

There was no additional public comment.

Next Meeting Date

The next meeting of the Chesapeake Bay Local Assistance Board will be Tuesday, September 26, 2006 at 10:00 a.m. The location will be determined at a later date.

Board Sponsored Activities

Board Training – On-Site Perennial Flow Training

Ms. Salvati introduced Scott Flanigan and Weedon Cloe from Chesterfield County for a presentation entitled “Perennial Flow Determination in Chesterfield County, Virginia.”

She noted that members had received the perennial flow guidance document in the Board packets.

Methodology

- Chesterfield County encourages and uses Field Indicator Protocols in Determinations of Perennial Flow
- Fairfax Method most utilized protocol
- Four Tiered Multi-metric approach
- Score of “25” or greater typically indicates Perennial Flow exits

Reach Delineation

- Reaches are typically 100 to 200 feet in length
- The reach is usually anchored off of a geomorphic feature such as a confluence of two channels, a headcut or a grade control
- Reach flagged and GPS point obtained

Hydrology

- Presence of Flowing Water (>48h after rain)
- High Groundwater Table or Seep and Springs
- Leaf Litter in Stream
- Drift Lines
- Sediment on Debris on Plants

Geomorphology

- Riffle-Pool Sequence
- Substrate Sorting
- Sinuosity
- Active/Relic Floodplain
- Recent Alluvial Deposits
- Bankfull Bench
- Continuous Bed & Bank
- Natural Levees/Braided Channels

Second Order or Greater Channel

- Channel may be intermittent or ephemeral

Streambed Soils

- Soil sample taken with Dutch Auger or similar coring device

- Sample obtained below baseflow from the bank, bed or headcut pool at or about one foot depth
- Redoximorphic Features
- Chroma

Biology (Vegetation)

- Aquatic Plants in Streambed
- Periphyton/Green Algae
- Iron Bacteria
- Wetland Plants in Streambed

Biology (Invertebrates)

- Benthic Macroinvertebrates
- Bivalves
- Ephemeoptera Plecoptera and Tricoptera (EPT) taxa
- Geared toward animals whose life cycle is dependent on flowing water

Biology (Vertebrates)

- Fish
- Amphibians

Additional Observations

- List of animals recovered
- Weather prior to survey
- Reach description
- Stream substrate
- Riparian width, cover type and dominant tree species
- Photos
- Comments

Following the close of the business portion of the meeting, Mr. Flanigan and Mr. Cloe provided additional perennial flow training at an actual stream site located within the park.

Adjourn

Being no further business, the meeting was adjourned.

Respectfully submitted,

Donald W. Davis
Chairman

Joseph H. Maroon
Director